

# SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 843-720-5270

525 EAST BAY STREET, SUITE 200  
CHARLESTON, SC 29403-6655

Facsimile 843-414-7039

September 14, 2020

**Via Electronic Filing**

David Stark, Esq.  
Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210

**In Re: Docket 2005-83-A: Procedural Schedule of Future Electric Fuel Proceedings**

Dear Mr. Stark,

In response to your email dated September 8, 2020, Southern Environmental Law Center, on behalf of clients South Carolina Coastal Conservation League ("CCL") and Southern Alliance for Clean Energy ("SACE"), appreciates the opportunity to provide comments on the proposed procedural schedules for electric utility fuel proceedings in 2021 and 2022.

**2021 and 2022 Dominion Energy South Carolina Fuel Proceeding Deadlines**

As an initial matter, the spreadsheet attached to the email contains two columns (Columns I and K) with conflicting direct testimony deadlines for Dominion Energy South Carolina ("DESC"). Specifically, Column I provides that DESC direct testimony would be due on February 8 and February 7 for 2021 and 2022, respectively, while Column K provides deadlines of February 23 and February 22.

Given the proposed intervenor direct testimony deadlines of March 16, 2021, and March 15, 2022, CCL and SACE support the deadlines listed in Column I but would strongly oppose the DESC direct testimony deadlines in Column K. The deadlines in Column I would allow 36 days between the filing of DESC's direct testimony and the deadline for intervenor direct testimony. In contrast, the deadlines in Column K would leave only 21 days between direct testimony filings, rendering intervenors unable to propound discovery questions based on DESC's direct testimony.

SACE and CCL requested that the Commission consider revising the fuel proceeding deadlines because of that precise situation in the Duke Energy Carolinas ("DEC") and Duke Energy Progress ("DEP") fuel proceedings. It would constitute a major step backwards to create the same problem in the DESC fuel proceeding. Accordingly, SACE and CCL request that the Commission adopt February 8, 2021, and February 7, 2022 as DESC's direct testimony deadlines for the 2021 and 2022 fuel proceedings.

**2021 and 2022 Duke Energy Carolinas and Duke Energy Progress Fuel Proceeding Deadlines**

With respect to the deadlines for DEP and DEC, SACE and CCL request that the Companies' direct testimony filings be due one week earlier than the deadlines provided in the spreadsheet, as specified below:

- DEP Direct Testimony Deadlines: April 20, 2021 and April 20, 2022
- DEC Direct Testimony Deadlines: July 23, 2021 and July 22, 2022

During the virtual forum, counsel for DEC and DEP claimed that it would be impossible for the Companies to file their direct testimony a mere one week earlier, and noted that this much time was necessary, in part, because of the allocation process the Duke utilities must undertake for their NC and SC territories. However, as SACE and CCL noted in our August 19 comments in this proceeding, in North Carolina DEC and DEP file their direct testimony more than *two months* before intervenor direct testimony is due.<sup>1</sup>

Given this, SACE and CCL request that DEC and DEP file their direct testimony one week earlier to ensure that intervenors have sufficient time to review the Companies' direct testimonies, serve discovery questions accordingly, and incorporate those responses into their direct testimony. This is a fair compromise that creates the fewest issues for all parties, particularly as compared with further constraining the already-tight rebuttal, surrebuttal, and proposed order deadlines in these proceedings.

We appreciate the Commission's consideration of our comments in this matter.

Respectfully,



Kate Lee

*Counsel for Southern Alliance for Clean  
Energy and South Carolina Coastal  
Conservation League*

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<sup>1</sup> See Scheduling Order in Duke Energy Carolinas Fuel Proceeding, NCUC Docket E-7 Sub 1228, <https://starw1.ncuc.net/NCUC/ViewFile.aspx?Id=c56f29c5-0ef3-4576-b44a-0ccc0a87e4c7> (83 days between the filing of utility direct testimony and intervenor direct testimony); Scheduling Order in DEP Fuel Proceeding, NCUC Docket E-2 Sub 1250, <https://starw1.ncuc.net/NCUC/ViewFile.aspx?Id=f9d3fbd0-cefc4518-b8fe-e6044c29c985> (77 days).



STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION  
DOCKET NO. 2005-83-E

In the Matter of: )

Public Service Commission of South )  
Carolina - Administrative and )  
Procedural Matters )

CERTIFICATE OF SERVICE

I certify that the following persons have been served with one (1) copy of this firm's Response to Procedural Schedule in Fuel Dockets by electronic mail and/or U.S. First Class Mail at the addresses set forth below:

Andrew M. Bateman  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201  
Email: abateman@ors.sc.gov

Carri Grube Lybarker  
South Carolina Dept. of Consumer Affairs  
Email: clybarker@scconsumer.gov

Jeffrey M. Nelson  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201  
Email: jnelson@ors.sc.gov

K. Chad Burgess  
Dominion Energy Southeast Services, Inc.  
220 Operation Way - MC C222  
Cayce, SC 29033  
Email: chad.burgess@dominionenergy.com

Katie M. Brown  
Duke Energy Corporation  
40 West Broad Street, DSC 556  
Greenville, SC 29601  
Email: katie.brown2@duke-energy.com

Matthew W. Gissendanner  
Dominion Energy South Carolina, Inc.  
220 Operation Way - MC C222  
Cayce, SC 29033-3701  
Email:  
matthew.gissendanner@dominionenergy.com

Robert R. Smith, II  
Moore & Van Allen, PLLC  
100 North Tryon Street, Suite 4700  
Charlotte, NC 28202  
Email: robsmith@mvalaw.com

Roger P. Hall  
South Carolina Dept. of Consumer Affairs  
Post Office Box 5757  
Columbia, SC 29250  
Email: rhall@scconsumer.gov

Samuel J. Wellborn  
Robinson Gray Stepp & Laffitte, LLC  
Post Office Box 11449, Columbia SC 29211  
1310 Gadsden Street  
Columbia, SC 29201

Email: swellborn@robinsongray.com

September 14, 2020

/s/ Emily E. Selden